

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59460 of 2021

Arising Out of PS. Case No.-605 Year-2021 Thana- FORBESGANJ District- Araria

1. MD. KUBED Son of Asgar Ali Resident of Village - Saifulla Tola, Ward No.11, P.S.- Mahalgaon, Distt.- Araria.
2. Mainul Haque Son of Abdul Malick Resident of Village - Mohani Betona, P.S.- Kasba, Distt.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Ms.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-03-2022 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in connection with Farbisganj P.S. Case No. 605 of 2021 for the offence registered under Sections 30(a) and 36(1) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 720 litres of illicit liquor from a pick up vehicle.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case, are having a clean antecedent and they are languishing in custody since 10.08.2021. The learned counsel for the petitioners has further submitted that the petitioners are not the owner of the vehicle in question as has been stated in paragraph no. 7 of the present petition, hence they were not having



knowledge about the contents of the consignment loaded on the said vehicle.

Per contra, the learned counsel for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also considering the fact that the petitioners are merely the driver and co-driver of the vehicle in question and they are not the owner of the vehicle in question apart from the fact that they are having a clean antecedent, I deem it fit and proper to direct for release of the petitioners herein on regular bail.

Accordingly, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge (Excise Act), Araria in connection with Farbisganj P.S. Case No. 605 of 2021.

(Mohit Kumar Shah, J)

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